



Dennis J. Duffin  
Director

*The Commonwealth of Massachusetts*

*Office of  
Campaign & Political Finance*

*One Ashburton Place, Boston 02108*

*727-8352*

April 1, 1986

AO-86-09

Mr. Theodore Live  
73 Harvard Street  
Cambridge, MA 02139

Dear Mr. Live:

This is in response to your recent request for an advisory opinion concerning the application of G.L. c. 55, the campaign finance law, to political activity you wish to engage in.

You state that you are an 03 consultant for the Commonwealth for the period January 21st through September 30, 1986. Your responsibilities, which are substantially full-time, involves developing and managing a program of grants for community education concerning hazardous waste, as well as working to encourage hazardous-waste generating businesses to learn about and comply with state regulations convering its disposal. You do not supervise any staff. You wish to know what constraints are placed on your political activity in terms of supporting candidates for federal or state office.

Section 13 of Chapter 55 provides, in relevant part, "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purpose of any candidate for public office or of any political committee or for any political purpose whatever..." It is my opinion that during the time you are acting as a consultant for the state, on substantially a full-time basis, you are a person employed by the Commonwealth. Therefore, you are subject to the restriction on fundraising activities contained in section 13.

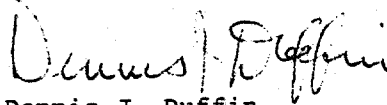
While you may not directly or indirectly solicit or receive anything of value for state or federal candidates, as well as for other political purposes, you may be a member of a political organization or committee. While you may contribute to political candidates and committees, section 17 provides that you shall not, as a person in the public service "be under obligation to contribute to any political fund or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so." In addition section 15 provides that "No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political

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object whatever." Therefore, in contributing to the campaign of a candidate who is in the public service, you must give the contribution to the political committee of the candidate rather than the candidate himself.

I suggest that you may want to contact the appropriate federal authorities to determine what application, if any, federal law may have to your inquiry. I have enclosed some materials on that issue which you may want to review.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Dennis J. Duffin", is written over the typed name.

Dennis J. Duffin  
Director

DJD/rep

enclosure